

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 2198 of 1994****For Approval and Signature:****HON'BLE MR JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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GUJ STATE ROAD TRANSPORT CORPN - Petitioner(s)
Versus
MOHNALAL M GOR - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner No(s).: 1.
MR PRANAV G DESAI for Petitioner No(s).: 1.
MR MUKESH H RATHOD for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI**Date : 02/08/2005****ORAL JUDGMENT**

1.0 The petitioner Corporation has challenged the award dated 20.08.1993 passed by the Industrial Tribunal, Rajkot in Reference (ITR) No. 344 of 1987, whereby the

order of punishment passed by the petitioner authority was modified by putting the respondent to his original scale of pay for three years; and, a penalty of stoppage of increment for one year without cumulative effect was also imposed.

2.0 The brief facts of the case are that the respondent herein was working as a Conductor with the petitioner Corporation. On 15.05.1985 the respondent was transferred to the another Depot of the petitioner Corporation. It is the case of the petitioner that in spite of the order of transfer, the respondent had not reported for duty. Therefore, charge-sheet was issued and pursuant to that, departmental inquiry was held against him. Since the charges leveled against him were proved, the Disciplinary Authority of the petitioner Corporation confirmed the punishment as proposed in the Show Cause Notice issued to the respondent.

2.1 Being aggrieved by the said order, the respondent raised a dispute, which, ultimately, culminated into a reference. The Tribunal, after hearing the parties, passed the impugned award as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The Tribunal, while passing the impugned award, has not considered the past record of the respondent. As many as 16 defaults were committed by the respondent prior to the penalty imposed by the Disciplinary Authority. In my opinion, looking to the past conduct of the respondent, the penalty imposed by the Tribunal appears to be on the lighter side and a penalty of stoppage of two increments with future effect if imposed on the respondent would meet the ends of justice.

4.0 In above view of the matter, this petition is partly allowed. The impugned award of the Industrial Tribunal is substituted by imposing a penalty of stoppage of TWO increments with future effect. The petitioner shall give the effect of this order within a period of three months from the receipt of writ of this order. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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